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APPLICATION N	Ю.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,399		10/15/2003	Kazutoshi Ohmori	XA-9959	8869
181	7590	05/18/2005		EXAMINER	
		KBRIDGE PC	VU, DAVID		
1751 PIN SUITE 50		DRIVE	ART UNIT	PAPER NUMBER	
MCLEAN	N, VA 2	22102-3833	2818		
				DATE MAILED: 05/18/2009	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examinor of time many be envisible under the proteiner of 3° CFR 1.13(s). In no event, however, may a reply be timely filed  Expendition of time many be envisible under the proteiner of 3° CFR 1.13(s). In no event, however, may a reply be timely filed  Expendition of the proteiner of the proteiner of 3° CFR 1.13(s). In no event, however, may a reply be timely filed  Expendition of the proteiner of the proteiner of 3° CFR 1.13(s). In no event, however, may a reply be timely filed  Expendition of the proteiner of the proteiner of 3° CFR 1.13(s). In no event, however, may a reply be timely filed  Expendition of the proteiner of the proteiner of 3° CFR 1.13(s). In the proteiner of the pr		Application No.	Applicant(s)						
OAVID VU  2818			OHMORI ET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of ten may be evaluate under the provision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filled  Extensions of ten may be evaluate under the provision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filled  Extensions of ten may be evaluate under the provision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filled  Extensions of ten may be evaluated under the provision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filled  Extensions of ten may be evaluated under the provision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filled  Extension of the provision of the provision of 3 CFR 1.74(e).  Extension of the provision of the state of the communication.  Provision of Claims  Application of Claims  Application of the above claim(s) 2.21 is/are withdrawn from consideration.  Claim(s) 1.21 is/are pending in the application.  Claim(s) 1.21 is/are rejected.  Claim(s) 1.21 care objected to by the Examiner.  Application Papers  9 The specification is objected to by the Examiner.  Application Papers  9 The specification is objected to by the Examiner.  Application Papers  9 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  20 All b) Some *C  None of:  1.21 Certified copies of the priority documents have been received in Application No.  2.12 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified c	Office Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercision of time may be evaluate under the provisions of 37 CPR 1.136(s). In an event, however, may a reply be timely filed.  - Exercision of time may be evaluate under the provisions of 37 CPR 1.136(s). In an event, however, may a reply be timely filed.  - If NO period for reply is pecified above, the maximum stabilary period will apply and will expire SIX (s) MONTHS from the mailing date of this communication.  - Failure to reply which the set or well-deep bend for regly is specified above, the maximum stabilary period will apply and will expire SIX (s) MONTHS from the mailing date of this communication.  - Failure to reply which the set or well-deep bend for regly is specified above, the maximum stabilary period will apply and will expire SIX (s) MONTHS from the mailing date of this communication.  - Failure to reply which the set or well-deep bend for regly is specified above, the maximum stabilary period will apply and will expire SIX (s) MONTHS from the mailing date of this communication.  - Failure to reply is specified above, the maximum stabilary period will apply and will expire SIX (s) MONTHS from the mailing date of this communication.  - Failure to reply is specified above, the maximum stabilary period will apply and will expire set in a mailing date of this communication.  - Status  - If NO period for regly is specified above, the maximum stabilary period will apply and will expire set in a mailing date of this communication.  - Status  - If NO period for regly is specified and the maximum stabilary period will apply and apply and will apply and will apply and apply and will apply and apply and will app		DAVID VU	2818						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CFR 1.13(a). In no event, however, may a reply be timely filed after StX (3) MONTHS from the mailing date of this communication. It is a second to the provision of the provisi	The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address						
1)⊠ Responsive to communication(s) filed on 22 April 2005.  2a)□ This action is FINAL. 2b)⊠ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) 2-27 is/are withdrawn from consideration.  5)□ Claim(s) is/are allowed.  6)☑ Claim(s) 1 is/are rejected.  7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)□ The drawing(s) filed on 10/15/03 is/are: a)⊠ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☑ All b)□ Some * c)□ None of: 1.☑ Certified copies of the priority documents have been received in Application No, 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)☑ Notice of Braftspersons Patent Drawing Review (PTO-948)  2)☑ Moltoe of Draftspersons Patent Drawing Review (PTO-948)  3)☑ Information Disclosuse Statement(s) (PTO-11449 or PTO/SB08)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>								
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## **DETAILED ACTION**

## **Election/Restrictions**

1. Applicant's election without traverse of Embodiment I (Claim 1) on 04/22/2005 is acknowledged.

Claims 2-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in the reply filed on 04/22/2005.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U. S. C. 102(e) as being anticipated by Goundar et al. (US 2004/0161535, herein after Goundar).

Goundar discloses in fig. 2 a manufacturing method of a semiconductor device in which wiring made of metal is formed of a multilayer structure, wherein an interlayer insulating film

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for electrically isolating the wirings from each other located above and below or side by side is formed of an SiOC film 3/6, and an SiC insulating film 5 having the difference in Young's modulus from SiOC film of 50 GPa or the difference in stress from SiOC film of 15 MPa is

formed so as to come into contact with said SiOC film 3/6 (see [0070]-[0072]).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1798. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application

or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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David Vu

May 16, 2005.